

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NORTHWEST BIOTHERAPEUTICS, INC.,

Plaintiff,

v.

CANACCORD GENUITY LLC, CITADEL
SECURITIES LLC, G1 EXECUTION
SERVICES LLC, GTS SECURITIES LLC,
INSTINET LLC, LIME TRADING CORP.,
SUSQUEHANNA INTERNATIONAL
GROUP LLP, AND VIRTU AMERICAS LLC,

Defendants.

Case No. 1:22-cv-10185 (GHW) (GWG)

**DECLARATION OF WILLIAM A. BURCK IN SUPPORT OF
DEFENDANTS' JOINT MOTION TO DISMISS**

1. I am a partner at Quinn Emanuel Urquhart & Sullivan, LLP and counsel for Defendant Citadel Securities LLC in this action. I am an attorney licensed to practice in the State of New York, and admitted before the United States District Court for the Southern District of New York. I make this Declaration in support of Defendants'¹ Joint Motion to Dismiss the Complaint in this action. This Declaration is based on my personal knowledge, and if called upon to do so, I would testify competently to the facts set forth herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a webpage titled "Northwest Biotherapeutics Inc. NWBO (U.S.: OTC)," published by the Wall Street Journal, available at <https://www.wsj.com/market-data/quotes/NWBO/advanced-chart> (last accessed

¹ Defendants are Citadel Securities LLC, Canaccord Genuity LLC, G1 Execution Services LLC, GTS Securities LLC, Instinet LLC, Lime Trading Corp., Susquehanna International Group, LLP, and Virtu Americas LLC.

Mar. 20, 2023).

3. Attached hereto as **Exhibit 2** is a true and correct copy of a webpage titled “Over-the-Counter Market,” published by the U.S. Securities and Exchange Commission (“SEC”), modified May 9, 2013, available at <https://www.sec.gov/divisions/marketreg/mrotc> (last accessed Mar. 20, 2023).

4. Attached hereto as **Exhibit 3** is a true and correct copy of a document titled “OTC Markets Group, Inc., OTC Link FIX Quotation Service—‘FIXIE Quote’ Client Specification,” Version 1.6.4, published by OTC Markets on Feb. 28, 2023, available at https://www.otcmarkets.com/files/FIXIE_Quote_Spec.pdf (last accessed Mar. 20, 2023).

5. Attached hereto as **Exhibit 4** is a true and correct copy of an SEC Cease-And-Desist Order in the Matter of Northwest Biotherapeutics, Inc., published by the SEC on Oct. 10, 2019, available at 2019 WL 5088987 and <https://www.sec.gov/litigation/admin/2019/34-87281.pdf> (last accessed Mar. 20, 2023).

6. Attached hereto as **Exhibit 5** is a true and correct copy of an article by Adam Feuerstein titled “It took years, but the failure of Northwest Bio’s brain cancer vaccine is now in the open,” published by STAT News on May 10, 2022, available at <https://www.statnews.com/2022/05/10/it-took-years-but-the-failure-and-futility-of-northwest-bios-brain-cancer-vaccine-is-now-in-the-open/> (last accessed Mar. 20, 2023).

7. Attached hereto as **Exhibit 6** is a true and correct copy of a webpage titled “Broker Dealer Directory for Trading on OTC Markets,” published by OTC Markets, available at <https://www.otcmarkets.com/otc-link/broker-dealer-directory> (last accessed Mar. 20, 2023).

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts of a Form 10-K for the fiscal year ended December 31, 2019 filed with the SEC by Northwest Biotherapeutics Inc.

on March 16, 2020, available at
https://www.sec.gov/Archives/edgar/data/1072379/000110465920034145/tm205288-1_10k.htm
(last accessed Mar. 20, 2023).

9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts of a Form 10-K for the fiscal year ended December 31, 2020 filed with the SEC by Northwest Biotherapeutics Inc.

on March 31, 2021, available at
<https://www.sec.gov/ix?doc=/Archives/edgar/data/0001072379/000110465921044832/nwbo-20201231x10k.htm> (last accessed Mar. 20, 2023).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 20, 2023
Washington, D.C.

**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**

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